

UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

United States of America)

v.)

DAMON JOINER)

Case No: 1:07CR 233

USM No: 38580-060

Date of Previous Judgment: 12/18/2007

Federal Public Defender's Office OHN

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____

Amended Offense Level: _____

Criminal History Category: _____

Criminal History Category: _____

Previous Guideline Range: _____ to _____ months

Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain): _____

III. ADDITIONAL COMMENTS

The Court adds the following explanation as to its denial of Defendant's Motion for Reduction under 18 U.S.C. 3582(c)(2): The amended guidelines for offenses involving crack became effective November 1, 2007 and retroactive March 3, 2008. The amended guidelines were in effect when the Court sentenced Defendant. Therefore, the Defendant's sentence incorporates the Commission's two-level reduction to the crack guidelines.

Except as provided above, all provisions of the judgment dated 12/18/2007 shall remain in effect.

IT IS SO ORDERED.

Order Date: 06/24/2009

Christopher A. Boyko
Judge's signature

Effective Date: 12/18/2007
(if different from order date)

Christopher A. Boyko, U.S. District Court Judge
Printed name and title